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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/697,083	10/31/2003	Wesley Scott Ashton	ASHTON0009	9725

7590
Wesley Scott Ashton
8549 Black Foot Court
Lorton, VA 22079

06/04/2009

EXAMINER

RODRIGUEZ, RUTH C

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Continuation of Substance of Interview including description of the general nature of what was discussed: The Applicant started the interview by discussing how his invention worked. He indicated that the new limitation that was added to claims 21 and 31 is directed to point out that the dissolved substance needs to flow freely from the means for dispensing. In the case of claims 36 and 37, the Applicant further defined that the bar is solid without any cavities in accordance with the dictionary definition. The Applicant further argued that the case *In re Newel*, 13 U.S.P.Q. 2d supports his position that his claims are allowable because the rejection applies inherency under a 35 USC 103 rejection for the limitation "the substance is dispensed into the wearer's mouth by dissolving the substance over time in the wearer's saliva". The examiners indicated that claims 21 and 31 could still be rejected by using the current rejection. Additionally, the examiners indicated that a combination of Black and Kaping can also be used for claims 21, 31, 36 and 37. The examiners indicated that claims 21 and 31 could be allowable if the end members were defined as being rigid and defining that the bar has opening therethrough if these limitations have support in the specifications. Regarding to *In re Newel*, the examiners indicated that these arguments will be examined in more detailed and that the next office action should address this issue.